



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2004/L.10/Add.5  
13 April 2004

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Agenda item 21 (b)

**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE  
SIXTIETH SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Mr. Mike OMOTOSHO (Nigeria)**

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\* Documents E/CN.4/2004/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/2004/L.11 and addenda.

## **V. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation**

1. The Commission considered agenda item 5 at its 12th, 13th and 14th meetings, on 19 March, and at its 44th meeting, on 8 April 2004.
2. For the documents issued under agenda item 5, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 12th meeting, on 19 March 2004, Mr. Enrique Bernales Ballesteros, Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, introduced his report (E/CN.4/2004/15). During the interactive dialogue, the representative of Cuba addressed questions to the Special Rapporteur, to which he responded.
4. At the same meeting, Mr. Bertrand Ramcharan, Acting United Nations High Commissioner for Human Rights, made a statement.
5. In the general debate on agenda item 5, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

### **Question of Western Sahara**

6. At the 44th meeting, on 8 April 2004, the Chairperson introduced draft resolution E/CN.4/2004/L.8.
7. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/4.

### **Situation in occupied Palestine**

8. Also at the 44th meeting, the representative of Saudi Arabia introduced draft resolution E/CN.4/2004/L.7, sponsored by Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Iraq, Jordan, Kuwait, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Senegal,

Sudan, Tunisia, United Arab Emirates, Yemen and Zimbabwe. Andorra, Austria, Belgium, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malaysia, Malta, Netherlands, Norway, Panama, Poland, Portugal, San Marino, Slovenia, South Africa, Sweden, Switzerland, Syrian Arab Republic, Togo, Turkey and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

9. Statements in connection with the draft resolution were made by the observers for Israel and Palestine.

10. Statements in explanation of vote before the vote were made by the representatives of Guatemala and the United States of America.

11. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution which was adopted by 52 votes to 1. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Against:* United States of America.

*Abstaining:* None.

12. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/3.

**The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

13. Also at the 44th meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.15, sponsored by Algeria, Angola, Bangladesh, Cameroon, Congo, Cuba,

the Democratic People's Republic of Korea, the Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, the Libyan Arab Jamahiriya, Madagascar, Mauritania, the Russian Federation, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Uganda, Viet Nam, and Zimbabwe. The Dominican Republic, Ecuador and Zambia subsequently joined the sponsors of the draft resolution.

14. A statement in explanation of vote before the vote was made by the representative of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, France, Germany, Italy, Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement).

15. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 36 votes to 14, with 3 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

*Against:* Australia, Austria, France, Germany, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Croatia, Republic of Korea, Saudi Arabia.

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

17. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/5.